

No 34867

AMENDED  
APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

JAN 13 1978

Date of filing in State Engineer's Office.....

Returned to applicant for correction.....

Corrected application filed FEB 6 1978.....

Map filed FEB 6 1978.....

The applicant Flying Diamond Ranches, Inc......

P.O. Box 150....., of Ely....., Nevada 89301.....  
Street and No. or P.O. Box No. City or Town State and Zip Code No.

....., hereby makes application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association, give names of members.)..... Incorporated in the State of Utah on April 19, 1971.....

1. The source of the proposed appropriation is Underground Sources.....  
Name of stream, lake, spring, underground or other source

2. The amount of water applied for is 2.0 cfs..... second-feet  
One second-foot equals 448.83 gals. per min.

(a) If stored in reservoir give number of acre-feet.....

3. The water to be used for Irrigation and Domestic.....  
Irrigation, power, mining, manufacturing, domestic, or other use. Must limit to one use.

4. If use is for:

(a) Irrigation, state number of acres to be irrigated: 230 acres.....

(b) Stockwater, state number and kinds of animals to be watered:.....

(c) Other use (describe fully under "No. 12. Remarks").....

(d) Power:

(1) Horsepower developed.....

(2) Point of return of water to stream.....

5. The water is to be diverted from its source at the following point: in the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 35.....  
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed land, it should be so stated.  
T.16 N., R.63 E., M.D.B. & M., whence the Southwest Corner of said Section 35  
bears S.60°00' W., 100.00 feet distant.

6. Place of use SW $\frac{1}{4}$ ; W $\frac{1}{2}$  SE $\frac{1}{4}$  of Section 35, T.16 N., R.63 E., M.D.B. & M......  
Describe by legal subdivision. If on unsurveyed land, it should be so stated.

7. Use will begin about January 1st and end about December 31st, of each year.  
Month and Day Month and Day

8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.)..... through sprinkler system.....  
State manner in which water is to be diverted, i.e. diversion structure, ditches and flumes, drilled well with pump and motor, etc.

9. Estimated cost of works \$35,000.00.....

10. Estimated time required to construct works 3 years

If well completed, describe works.

11. Estimated time required to complete the application of water to beneficial use 5 years

12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

Compared ds/ kc br/ja

s/Richard W. Forman  
By Richard W. Forman, Agent  
P.O. Box 150  
Ely, Nevada 89301

Protested

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit is issued subject to existing rights. It is understood that the amount of water herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to beneficial use. It is also understood that this right must allow for a reasonable lowering of the static water level. This well shall be equipped with a two (2) inch opening for measuring depth to water. If the well is flowing, a valve must be installed and maintained to prevent waste. A totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of water begins, or before the Proof of Completion of Work is filed. This source is located within an area designated by the State Engineer, pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit is issued subject to the "Stipulation" filed in the Seventh Judicial District Court of the State of Nevada in and for the County of White Pine and filed in the office of the State Engineer, Case No. 11932, dated 28th day of May, 1983.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 2.0 cubic feet per second, but not to exceed a

yearly duty of 3.0 acre-feet per acre of land irrigated from any and/or all sources.

Work must be prosecuted with reasonable diligence and be completed on or before July 8, 1985

Proof of completion of work shall be filed before August 8, 1985

Application of water to beneficial use shall be made on or before July 8, 1988

Proof of the application of water to beneficial use shall be filed on or before August 8, 1988

Map in support of proof of beneficial use shall be filed on or before August 8, 1988

Completion of work filed IN TESTIMONY WHEREOF, I PETER G. MORROS  
State Engineer of Nevada, have hereunto set my hand and the seal of

Proof of beneficial use filed my office, this 8th day of JULY

Cultural map filed

A.D. 19 83

Certificate No. Issued

  
State Engineer

AMENDED

Nº 34867

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TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

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Map filed.....

The applicant..... Flying Diamond Ranches, Inc.  
P.O. Box 150....., of..... Ely.....  
Street and No. or P.O. Box No. City or Town  
Nevada 89301....., hereby make..S application for permission to appropriate the public  
State and Zip Code No.  
waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorpora-  
tion; if a copartnership or association, give names of members.).....  
Incorporated in the State of Utah on April 19, 1971

1. The source of the proposed appropriation is..... underground sources  
Name of stream, lake or other source.
2. The amount of water applied for is..... 2.0 cfs.....second-feet  
One second-foot equals 448.83 gals. per min.  
(a) If stored in reservoir give number of acre-feet.....acre-feet
3. The water to be used for..... Irrigation and Domestic  
Irrigation, power, mining, manufacturing, domestic, or other use.
4. If use is for:
  - (a) Irrigation (state number of acres to be irrigated)..... 230 acres
  - (b) Stockwater (state number and kinds of animals to be watered).....
  - (c) Other use (describe fully under "No. 12. Remarks").....
  - (d) Power:
    - (1) Horsepower developed.....
    - (2) Point of return of water to stream.....
5. The water is to be diverted from its source at the following point:..... in the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of section  
35, T16N, R63E, MDB&M, whence the southwest corner of said section  
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed land,  
35 bears S 60° 00' W, 100.00 feet distant.  
it should be stated.
6. Place of use..... SW $\frac{1}{4}$ ; W $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 35, T16N, R63E, MDB&M.  
Describe by legal subdivision, if on unsurveyed land it should be so stated.
7. Use will begin about..... January 1st.....and end about..... December 31st, of each year.  
Day and Month Day and Month
8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.)..... through sprinkler system  
State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits.

- 9. Estimated cost of works.....\$35,000.00.....
- 10. Estimated time required to construct works.....3 years.....
- 11. Estimated time required to complete the application to beneficial use.....5 years.....
- 12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

Applicant.....Flying Diamond Ranches, Inc.

By.....s/ Richard Forman  
Richard W. Forman, Agent  
Compared.....lp/ga.....bc/bl.....P.O. Box 150  
Ely, Nevada 89301

DENIAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby <sup>deny</sup>~~grant~~ the same, subject to the following limitations and conditions:

Application denied on the grounds that the proposed appropriation of additional ground water for irrigation as applied for would conflict with and tend to impair the value of existing rights and threaten to prove detrimental to the public interest and welfare.

DENIAL RESCINDED  
SEE STIPULATION

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed.....cubic feet per second.....

Actual construction work shall begin on or before.....

Proof of commencement of work shall be filed before.....

Work must be prosecuted with reasonable diligence and be completed on or before.....

Proof of completion of work shall be filed before.....

Application of water to beneficial use shall be made on or before.....

Proof of the application of water to beneficial use shall be filed on or before.....

Map in support of proof of beneficial use shall be filed on or before.....

Commencement of work filed.....IN TESTIMONY WHEREOF, I.....WILLIAM J. NEWMAN  
Completion of work filed.....State Engineer of Nevada, have hereunto set my hand and the seal of  
Proof of beneficial use filed.....my office, this.....30th.....day of.....SEPTEMBER  
Cultural map filed.....A.D. 19.....80  
Certificate No.....Issued.....  
Recorded.....Bk.....Page.....  
County Recorder